

## REMARKS

Claims 1-31 are pending in the present application. Applicant affirms the provisional election to prosecute the Group 1 claims (claims 1-6) made during a telephone conversation with the Examiner on May 21, 2007.

Claims 1 and 3 have been amended. Support for the amendments may be found between line 9 on page 7 and line 10 on page 8 of the Patent Application, as well as in Figures 2 and 3. No new matter has been added.

In the Office Action, claims 1-6 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sasano (U.S. Patent No. 5,200,994). Pursuant to the amendments indicated herein, the Examiner's rejections are respectfully traversed.

Conventional voice frame aggregation schemes use a fixed duration. However, packet delay jitter may be caused by changes in the data rate associated with the channel used to transmit aggregated packets, *e.g.*, when the channel conditions vary between a wireless unit and an associated base station. To address this problem in conventional voice frame aggregation schemes, independent claim 1 sets forth a dynamic frame aggregation technique in which physical layer frames are formed by selecting a portion of a plurality of content frames based on a condition of a channel that is used to communicate the physical layer frames. The selected portion of the plurality of content frames is then combined with a header formed according to a transmission protocol. The physical layer frame including the aggregated portion of the plurality of content frames may then be communicated over the channel.

Willenegger describes partitioning slots into voice/data partitions and packet data partitions. However, Willenegger does not describe or suggest any frame aggregation techniques and, in particular, is completely silent with regard to aggregating content frames into a physical

layer frame based on conditions of the channel that will be used to communicate the physical layer frame. Consequently, Applicant respectfully submits that Willenegger fails to teach or suggest communicating at least one physical layer frame formed by selecting a portion of a plurality of content frames based on a condition of a channel that is used to communicate the physical layer frames and combining the selected portion of the plurality of content frames with a header formed according to a transmission protocol, as set forth in independent claim 1.

For at least the aforementioned reasons, Applicant respectfully submits that Willenegger does not anticipate the pending claims and request that the Examiner's rejections of claims 1-6 under 35 U.S.C. § 102(e) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: August 27, 2007

/Mark W. Sincell/  
Mark W. Sincell, Ph.D.  
Reg. No. 52,226  
Williams Morgan & Amerson, P.C.  
10333 Richmond Avenue, Suite 1100  
Houston, TX 77042  
(713) 934-7000  
(713) 934-7011 (Fax)

AGENT FOR APPLICANT